

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

Date of Notice: December 17, 2004

Public Notice Number: PN2004-0017

Comment Period: December 17, 2004 - January 18, 2005

Action: Notice of Proposed Assessment of Class II Clean Water Act Section 309(g)(B) Administrative Penalties and Opportunity to Comment

Under Section 309(g)(2)(B) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(B), EPA is authorized to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. In a Class II proceeding under Section 309(g)(2)(B), any person who violates certain provisions of the Clean Water Act on or after March 15, 2004 may be assessed a civil penalty of up to \$157,500 by EPA. Class II proceedings are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," at 40 C.F.R. Part 22 ("Part 22").

The procedures by which the public may submit written comments on a proposed Class II penalty order or participate in a Class II penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed Class II penalty order is thirty (30) days after issuance of public notice.

Pursuant to Section 309(g)(2)(B), EPA is providing public notice of the following proposed Class II administrative penalty assessment:

In the Matter of the City of Holyoke

Name and Mailing Address of Respondent: Honorable Michael J. Sullivan, Mayor
City of Holyoke; 536 Dwight Street, Holyoke, Massachusetts 01040

Name and Address of Facility or Site Addressed by Complaint: Holyoke Water
Pollution Control Facility; One Berkshire Street, Holyoke, Massachusetts 01040

Description of Business or Activity Conducted by the Respondent: Operates a
publically-owned water treatment works and regulates industrial users.

Description of Violations Alleged in Complaint: Failure to fully implement the
federally approved industrial pretreatment program, by failing to renew industrial user
permits in a timely manner; failure to conduct and/or document annual industrial user
inspections; failure to evaluate and/or document the need for industrial user slug
discharge plans; failure to publish notification of a significant violation by one of its
industrial users; and failure to take appropriate enforcement actions against industrial
users.

Proposed Penalty: \$40,000

Name of Case: In the Matter of the **City of Holyoke, Massachusetts**

Docket Number: CWA 01-2004-0087

Date Filed with Regional Hearing Clerk: 9/30/04

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk: Wanda
Rivera, Acting Regional Hearing Clerk, U.S. EPA, Region 1, One Congress Street,
Boston, Massachusetts 02203; (617) 918-1103

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review
the complaint or other documents filed by the parties in this proceeding, comment upon the
proposed penalty assessment, or participate in any hearing that may be held, should contact the
Regional Hearing Clerk identified above. Unless otherwise noted, the public record for the
proceeding is located in the EPA Regional Office at One Congress Street, Boston,
Massachusetts, and the file will be open for public inspection during normal business hours.

In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to thirty (30) days after issuance of this notice.

